

AGENDA ITEM #7

March 14, 2003

To: Delta Protection Commission
From: Lori Clamurro, Delta Protection Commission Staff
Subject: San Luis Drain Update (*For Commission Information Only*)

BACKGROUND

The San Luis Drain, a federal facility, was designed to convey and dispose of subsurface irrigation return flows from the San Luis service area of the Central Valley Project. The drain as designed was to be a 188-mile concrete lined canal originating in southern Fresno County and terminating at the western edge of the Delta at Chipps Island, west of the City of Pittsburg. Only the southernmost 87 miles were constructed; the drain's construction was put on hold in the late 1980s when extremely high levels of selenium in the agricultural drainage discharged from the drain resulted in hundreds of dead adult birds and deformed bird embryos at Kesterson Reservoir. The reservoir was closed, and the drainage was routed away from Kesterson, through Mud and Salt Sloughs, tributaries to the San Joaquin River, as part of the Grasslands Bypass Project.

In December 1994, Judge Wanger of U.S. District Court ruled that the Bureau of Reclamation had illegally neglected its responsibility to provide drainage for the San Luis Unit and directed the Bureau to apply for a Waste Discharge permit from the State Water Resources Control Board. Judge Wanger left designation of the drain discharge location to the Secretary of the Interior and Congress. On July 27, 1995, the Commission adopted Resolution 95-3 (attached), which urges Commission participation in the discussion of options to dispose of agricultural drainage from the San Luis Unit, with the intent of safeguarding water quality in the Delta.

Judge Wanger's decision was reversed in February 2000 by the 9th Circuit Court of Appeals; although the Bureau is still responsible for providing drainage to the San Luis Unit, this did not automatically require completion of the drain without consideration of other options. The Bureau was ordered to identify a proposed action to provide drainage service to the San Luis Unit by December 2002.

UPDATE

The Bureau of Reclamation issued its San Luis Drainage Feature Reevaluation Plan Formulation Report (PFR) in December 2002. This report describes four alternatives that will be analyzed in future environmental documentation, and identifies one preferred alternative out of the four as the proposed action. One alternative involves disposal into

the Pacific Ocean, one involves in-Valley drainage disposal, and two involve disposal in Delta locations (the original Chipps Island destination and a Carquinez Strait option).

The PFR indicated that the two Delta disposal alternatives would be extremely difficult and costly to implement due to high permitting complexity, public concern, and environmental impacts. Of the four alternatives to be analyzed in the document, the preferred action the Bureau would be pursuing is that involving in-Valley disposal. This alternative includes the use of on-farm and in-district actions to reduce runoff, and incorporates regional reuse through reverse osmosis and selenium biotreatment, and the use of evaporation ponds and habitat mitigation areas.

Per the Commission's Resolution 95-3, the Commission has continued to participate in this process over time, and Commission staff issued a letter to the Bureau in February 2002, commenting on the alternatives described in the PFR (also attached). Staff comments indicated that the preferred alternative of in-Valley disposal appears to conform to the Commission's goal of maintaining or enhancing Delta water quality, and committed that the Commission would remain involved in the process as environmental documentation is prepared.

At a scoping meeting on the PFR in January 2002, several people noted that in addition to the four alternatives described in the PFR, a pure land retirement alternative should be considered. The Commission never took a formal position on this option specifically, but staff comments in the February 2002 letter to the Bureau intimated that such an alternative could provide substantial cost savings in a one-time land acquisition cost, with long-term water quality benefits to the Delta overall from the reduced runoff from those lands.

PURPOSE OF MEMO

Per Resolution 95-3, the Commission should take a formal position on the alternatives being considered by the Bureau of Reclamation, including a pure land retirement alternative. When the environmental document on this project is issued in the future, this matter will be scheduled for Commission action.